



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P(MD).No.18691 of 2016 and

WM.P(MD).Nos.13527 of 2016

Guru Thavasi Perumal

...Petitioner

Vs.

1. The Principal Secretary to Government,
Tamil Nadu Government,
St. Geroge Fort,
Chennai.

2. The District Collector,
Kanyakumari District,

3. The Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in his proceedings in G.O.(D).No.647 Home (Cts VIA) Department, dated 19.07.2016 to quash the same as illegal.

For Petitioner : Mr.C. Muthusaravanan
For Respondent : Mr.K.P. Krishnadoss
Government Advocate

ORDER

The Writ Petition has been filed to call for the records relating to the impugned order passed by the first respondent in his proceedings in G.O.(D).No.647 Home (Cts Via) Department, dated 19.07.2016 and quash the same as illegal.

2. The grievance of the petitioner is that there was a case in counter case, which resulted in S.C.Nos.131 and 99 of 2013, pending before the District and Sessions Court, Kanyakumari District @ Nagercoil and by the impugned G.O., one Nallasivam was appointed as a Special Public Prosecutor to conduct both the cases. Since this is a case in counter, same prosecutor could not be appeared as Special Public Prosecutor in both cases. Both the cases came up for admission, earlier, notice was ordered to the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Today, the learned counsel appearing for the respondents submitted that a letter was sent by the District Collector,



Kanyakumari District to the Principal Secretary to the Government, Home Courts (Via) Department, to rectify the mistake and to revise the GO to the effect that the Special Public Prosecutor was appointed only to conduct the counter case in S.C.No.99 of 2013 instead of both the cases in SC.Nos.131 and 99 of 2013. Now, the matter is pending consideration with the Government and suitable orders will be passed as early as possible.

4. In view of the above said submission that the matter is pending consideration by the Government, the trial Court is directed not to proceed with the trial in respect of the case in SC.No.99 of 2013 and SC.No.131 of 2013, till suitable orders passed by the Government with regard to appointment of Special Public Prosecutor in S.C.No. 99 of 2013.

5. with the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Principal Secretary to Government,
Tamil Nadu Government, St. George Fort,
Chennai.
2. The District Collector, Kanyakumari District.
3. The Inspector of Police, Ethamozhi Police Station,
Kanyakumari District.

Copy to : The District and Sessions Judge,
Kanyakumari District @ Nagercoil.

+1cc to M/s.C.Muthusaravanan, Advocate in SR.62076

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19.10.2016

trp

PBK/GSV-PM/SAR-I 16/12/2016 ::2P-6C:(IT)